

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INNOVATIVE BIODEFENSE, INC.,

12 CIV. 3710 (ER)

Plaintiff,

**PROPOSED JOINT EXHIBIT
LIST**

- against -

VSP TECHNOLOGIES, INC., SAN-MAR
LABORATORIES, INC., AND CARLO MICCERI,

Defendants.

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VSP TECHNOLOGIES, INC., and CARLO MICCERI,

Third-party Plaintiffs,

- against -

BDS SOLUTIONS, LLC, BDS TECHNOLOGIES, LLC,
AND BIODEFENSE INTERNATIONAL, INC.,

Third-party Defendants.

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Defendants/Third-Party Plaintiffs Attorney:

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Cole Schotz P.C.

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Exhibit No.	Exhibit Cross Reference	Description	Date
	Cozean Decl. Exh. A	Asset Purchase Agreement – IBD/BDS	June 1, 2011
	11562-11564 Cozean Opp. Decl. Exh. E	Agreement Regarding IBD/BDS Asset Purchase Workout	Nov. 10, 2011
	Cozean Decl. Exh. B	Sublicense Patent Agreement – VSP/BDS	July 22, 2009
	Cozean Decl. Exh. C	Sublicense Patent Agreement – VSP/BDS	Aug. 20, 2009
	Cozean Decl. Exh. D	Sublicense Patent Agreement – VSP/BDS	Dec. 31, 2009
	10980-10981 Cozean Decl. Exh. E	Email – Cozean/Micceri re Know-How	Aug. 10, 2011
	11483-11487 Cozean Decl. Exh. E	Letter – Cozean/Micceri re Know-How	Aug. 30, 2011
	14471-14472 Cozean Decl. Exh. E	Letter – Cozean/Micceri re Know-How	Oct. 10, 2011
	14468-14470 Cozean Decl. Exh. F	Letter - Minsky/San-Mar re Know-How	Sept. 1, 211
	11559-11561 Cozean Decl. Exh. G	Cozean notes from telephone conference re Know-How	Sept. 2, 2011

	11558, 14450-14451 Cozean Decl. Exh. H	Letter – Cozean/San-Mar/Micceri re Know-How	Sept. 2, 2011
	14460 Cozean Decl. Exh. I	Letter – Cozean/Berkowitz/Micceri/Berkrot re Know-How	Nov. 21, 2011
	14461-14463 Cozean Decl. Exh. J	Email – Cozean/Macchia re Know-How	Nov. 21, 2011
	MODAK_0007278-0007280 Cozean Decl. Exh. K	Email – Cozean/Modak re Know-How in advance of May 11, 2012 meeting	May 7, 2012
	MODAK_0007281-0007282, 14477-14478 Cozean Decl. Exh. K	Email – Cozean/Modak re technical issues in advance of May 11, 2012 meeting	May 7, 2012
	Cozean Decl. Exh. L	Print-out from trademark database on the website of the United States Patent and Trademark Office	July 20, 2012
	14437, 14440 Klein Decl. Exh. A	Offer letter – Klein/Micceri with \$48,000 check	July 27, 2011
	14441-14444 Klein Decl. Exh. B	Purchase order to San-Mar with cover letter	Aug. 12, 2011
	14446-14447 Klein Decl. Exh. C	Email – Klein/Faulhaber re sanitizer and lotion order	Sept. 1, 2011
	14452 Klein Decl. Exh. D	Letter – Klein/Faulhaber re sanitizer order	Sept. 8, 2011

	10818 Cozean Opp. Decl. Exh. A	Email – Cozean/Klein/Berkowitz/Shucht re Micceri agreement with IBD	May 2011
	10839-10843 Cozean Opp. Decl. Exh. B	Email – Cozean/Klein/Berkowitz re Binding Term Sheet	May 27, 2011
	Cozean Opp. Decl. Exh. C	Email – Cozean/Berkowitz re Memo of Understanding	June 2, 2011
	BDS003694- BDS003696 Cozean Opp. Decl. Exh. D	Memo of Understanding	May 30, 2011
	Cozean Opp. Decl. Exh. F	Settlement Agreement – IBD/San-Mar	Jan. 20, 2014
	BDS000719 Cozean Opp. Decl. Exh. G	Email – Shucht/Micceri re Zytrel	Oct. 26, 2010
	10980-10981 Cozean Opp. Decl. Exh. H	Email – Cozean/Berkowitz re Prior commitments	Aug. 10, 2011
	BDS000721- BDS000722 Cozean Opp. Decl. Exh. I	Email – Shucht/Macchia re lotion	Sept. 27, 2011
	BDS000777 Cozean Opp. Decl. Exh. J	Email – Cozean/Shucht re san mar	Apr. 25, 2012
	BDS003733 Klein Opp. Decl. Exh. A	Email – Klein/Berkowitz/Shucht/Karsch re Asset Purchase agreement	June 1, 2011

	10891-10896 Klein Opp. Decl. Exh. B	Email – Klein/Micceri/Shucht re Revised Agreement 6-1-11 Final	June 1, 2011
	Klein Opp. Decl. Exh. C	Check stub for \$486,7 4 7.63 to Mates Fischer	June 2, 2011
	Klein Opp. Decl. Exh. D	Action by Written Consent of the Shareholders of IBD	June 1, 2011
	Klein Opp. Decl. Exh. E	Action by Written Consent of the Board of Directors of IBD	June 3, 2011
	Klein Opp. Decl. Exh. F	Minutes of IBD Board of Directors meeting	Oct. 17, 2011
	Klein Opp. Decl. Exh. G	Minutes of IBD Board of Directors meeting	Nov. 27, 2011
	BDS001459	Email – Shucht/Micceri re Dr Modak	Aug. 30, 2010
	BDS000726	Email – Cozean/Olsen re Payment to Carlo	Feb. 27, 2012
	Plaintiff Depo. Exh. 60	Email – Faulhaber/Berkowitz re portfolio of patents	Sept. 6, 2011
	Cozean Reply Decl. Exh. B	Memorandum of Understanding – VSP/IBD unsigned	May 30, 2011
	Cozean PMSJ Decl. Exh. B	List of the Columbia Patents Worldwide Excluding North America	
	Cozean PMSJ Decl. Exh. C	Print out from INPADOC re status of Patent No. 788305	
	Cozean PMSJ Decl. Exh. D	Print out re status of Australian Patent No. 703926	
	Cozean PMSJ Decl. Exh. E	Print out from CIPC Intellectual Property Online Services re South African Patent No. 952521	
	Cozean PMSJ Decl. Exh. F	Print out from Korea Intellectual Property Rights Information Services	
		Susan Goldsberry expert report	Nov. 12, 2014

		Morris Waxler expert report	Nov. 12, 2014
		Dr. Barbara Luna expert report	Nov. 12, 2014
	Micceri Depo. Exh. 1	Consulting and Business Development Services Agreement – Micceri/BDS	Aug. 20, 2009
	Micceri Depo. Exh. 2	License Agreement - A	Oct. 10, 2005
	Micceri Depo. Exh. 2	License Agreement – B	June 1, 2005
	Micceri Depo. Exh. 2	License Agreement – C	June 1, 2005
	Micceri Depo. Exh. 2	License Agreement - D	June 1, 2005
	Micceri Depo. Exh. 4	Formula - VSP 0095	
	Micceri Depo. Exh. 5	Label - VSP0117	
	Micceri Depo. Exh. 6	Topical Antimicrobial Drug Products for Over-the-Counter Human Use; Tentative Final Monograph for Health- Care Antiseptic Drug Products	June 17, 1994
	Micceri Depo. Exh. 7	Formula - VSP0116	
	Micceri Depo. Exh. 8	Label - VSP0123	
	Micceri Depo. Exh. 9	Ingredient List - VSP0084	
	Micceri Depo. Exh. 10	CTFA Adopted Name Listing - VSP0090	
	Micceri Depo. Exh. 11	Formula - VSP0113	
	Micceri Depo. Exh. 12	Formula - VSP0114	

	Micceri Depo. Exh. 13	Ingredient List - VSP0072	
	Micceri Depo. Exh. 14	ML2-027-01 - VSP0100-0103	
	Micceri Depo. Exh. 15	VME-178-06 - VSP0113	
	Micceri Depo. Exh. 16	Test Results - VSP0235-0237	
	Micceri Depo. Exh. 17	Test Results - VSP0238-0240	
	Micceri Depo. Exh. 18	Test Results - VSP0241	
	Micceri Depo. Exh. 19	Test Results - VSP0242	
	Micceri Depo. Exh. 20	Test Results - VSP0247	
	Micceri Depo. Exh. 21	Test Results - VSP0248	
	Micceri Depo. Exh. 22	Test Results - VSP0249	
	Micceri Depo. Exh. 23	Test Results - VSP0252	
	Micceri Depo. Exh. 24	Trademark / Service Mark Application Principal Register	Nov. 25, 2004
	Micceri Depo. Exh. 25	Trademark / Service Mark Application Principal Register	Jan. 21, 2007
	Micceri Depo. Exh. 26	Trademark / Service Mark Application Principal Register, with Declaration	Aug. 28, 2003
	Micceri Depo. Exh. 27	Combined Declaration of Use and Incontestability Under Sections 8 and 15	

	Micceri Depo. Exh. 28	Notice of Opposition	Apr. 18, 2011
	Micceri Depo. Exh. 29	Notice from U.S.P.T.O.	Apr. 18, 2011
	Micceri Depo. Exh. 30	6/13/2011 and 8/1/2011 Communique	June 13, 2011 Aug. 1, 2011
	Micceri Depo. Exh. 31	U.S. Patent	July 20, 2010
	Micceri Depo. Exh. 32	Check to Micceri \$48,000	July 27, 2011
	Micceri Depo. Exh. 34	Letter - Micceri/Klein	July 27, 2011
	VSP0090 Modak Depo. Exh. 123	CTFA Adopted Name Listing	
	VSP0095 Modak Depo. Exh. 124	CTFA Adopted Name Listing	
	VSP0152 Modak Depo. Exh. 125	CTFA Adopted Name Listing	
	Modak Depo. Exh. 126	840 patent	
	Modak Depo. Exh. 127	365 patent	
	Modak Depo. Exh. 128	425 patent	
	Modak Depo. Exh. 129	918 patent	

	Modak Depo. Exh. 130	429 patent	
	Modak Depo. Exh. 131	461 patent	
	Modak Depo. Exh. 132	649 patent	
	Modak Depo. Exh. 133	023 patent	
	Modak Depo. Exh. 134	610 patent	
	Modak Depo. Exh. 135	386 patent	
	BDS 002261- BDS002262 Modak Depo. Exh. 136	Email – Belmonte/Shucht/Micceri re “Zytrel XP technology - next steps”	Apr. 19, 2010
	BDS001701 Modak Depo. Exh. 137	Email – Shucht/Micceri re “RE: soap”	June 09, 2010
	BDS002154 Modak Depo. Exh. 138	Email – Shucht/Micceri re “mt sinai”	Oct. 18, 2010
	BDS002119 Modak Depo. Exh. 139	Email – Shucht/Micceri re “RE: Fw: healthpoint”	Nov. 01, 2010
	BDS002449- BDS002452 Modak Depo. Exh. 140	Email – Shucht/Faulhaber re “RE: Lysol”	July 7, 2011

D1	Corde (182) Ex. 6 Berkowitz Dep. Ex. 46	The Intention to Sell/Purchase Agreement between the third party defendants BDS and Mates-Fischer	Jan. 29, 2011
D2	Corde (182) Ex. 8 Berkowitz Dep. Ex. 35	Agreement regarding IBD/BDS Asset Purchase Workout	
D3	Corde (182) Ex. 9 Cozean (177) Ex. B Klein (228) Ex. A Micceri (243) Ex. A Cozean (21) Ex. A	Sublicense Patent Agreement between VSP Technologies Inc. and BDS Solutions LLC	July 22, 2009
D4	Corde (182) Ex. 10 Cozean (177) Ex. C Klein (228) Ex. B Micceri (243) Ex. B Cozean (21) Ex. B	Sublicense Patent Agreement between VSP Technologies Inc. and BDS Technologies LLC	Aug. 20, 2009
D5	Corde (182) Ex. 11 Cozean (177) Ex. D Klein (228) Ex. C Micceri (243) Ex. C Cozean (21) Ex. C	Sublicense Patent Agreement between VSP Technologies Inc. and Biodefense International Inc.	Dec. 31, 2009

D6	Corde (182) Ex. 16 Agius Ex. B Cozean (177) Ex. A Klein (228) Ex. D Cozean (21) Ex. D	Asset Purchase Agreement entered into between third party defendant BDS and Innovative Biodefense	Jun. 1, 2011
D7	Agius Ex. C (Micceri 1) Cozean (227) Ex. G	Consulting and Business Development Agreement between BDS and Micceri	Aug. 20, 2009
D8	Agius Ex. C (Micceri 32) Cozean (32) Ex. B Micceri Dep. Ex. 32	Check from International Specialty Chemicals Pharmaceuticals, Inc. to Micceri for \$48,000.00	July 27, 2011
D9	Corde (182) Ex. 17	Method Validation Guidelines maintained by third party defendants BDS	
D10	Corde (182) Ex. 18	Quality Manual of third party defendant BDS	
D11	Corde (182) Ex. 19 Agius Ex. E (Berkowitz 47)	Email from Gary Klein to Berkowitz and Shucht	Apr. 4, 2011
D12	Corde (182) Ex. 20 Cozean (246) Ex. B	Memo of Understanding executed by VSP Technologies Inc., Innovative Biodefense Inc. and the third party defendant BDS	May 30, 2011
D13	Corde (182) Ex. 21	Unexecuted Amended and Restated Sublicense Patent Agreement	June 10, 2011
D14	Corde (182) Ex. 22	Email from Shanta Modak to David Shucht regarding Dial	June 7, 2011
D15	Corde (182) Ex. 23	Email from San Mar Lab to Berkowitz and Micceri with attachments entitled "Summary of VSP Cases-Patent List	Sept. 6, 2011
D16	Corde (182) Ex. 24	Innovative Biodefense Inc. Business Plan	July 1, 2011
D17	Corde (182) Ex. 25	Letter of third party defendant BDS to plaintiff, copied to VSP Technology	Sept. 2, 2011

D18	Corde (182) Ex. 26	Email from Micceri to David Shucht and copied to Jeff Berkowitz	Sept. 15, 2011
D19	Corde (182) Ex. 27	Email from Colette Cozean to David Shucht, Jeff Berkowitz, copied to Jessie Cozean and Gary Klein	Oct. 13, 2011
D20	Corde (182) Ex. 28	Cover emails between Jeff Berkowitz and Jessie Cozean together with Zylast Technical summary	Aug. 2012
D21	Corde (182) Ex. 29 Berkowitz Dep. Ex. 69	Computer search results from the Buyer's Cove	Nov. 2, 2012 (production date)
D22	Corde (182) Ex. 30	Pages from Zylast.com website showing "the science" for Zylast product, linked from Zytrel.com	
D23	Corde (182) Ex. 31	Declaration of Jeffrey Berkowitz	Nov. 13, 2012
D24	Corde (182) Ex. 32	Sales receipt dated from Zylast Direct to Simi Carlebach	Nov. 19, 2012
D25	Corde (182) Ex. 33	Technical know-how provided by VSP to IBD which was to have been held in escrow by Bruce Minsky pending royalty payments	
D26	Corde (182) Ex. 34	Email from Shanta Modak to Micceri, subsequently forwarded from Micceri to Berkowitz regarding know-how	Sept. 22, 2011
D27	Corde (182) Ex. 35	Email from attorney Jeffrey Sears at Columbia University to Carlo Micceri, Subject: Columbia communications with Selima Merani, and then forwarded by Micceri to Berkowitz regarding "know-how"	Sept. 21, 2011
D28	Corde (182) Ex. 36	Correspondence between Bruce Bugsby and Colette Cozean provided by IBD	
D29	Corde (182) Ex. 37	Email to Colette Cozean from Jason Gersting, Ph.D., J.D. of Nobe Martins	Apr. 10, 2011
D30	Corde (182) Ex. 38	Email chain regarding "costs" from Gary Klein to Jeff Berkowitz and David Shucht	Apr. 29, 2011
D31	Corde (182) Ex. 39 Cozean Dep. Ex. 87	Binding Letter of Intent which was not executed	May 1, 2011

D32	Corde (182) Ex. 40 Agius Ex. D (Cozean 90) Cozean (198) Ex. B	Emails between Jeff Berkowitz and Colette Cozean regarding “term sheet for Carlo” together with Binding Term Sheet dated May 26, 2011 which is not executed	May 27, 2011
D33	Corde (182) Ex. 41 Agius Ex. D (Cozean 96)	Email entitled “Terms for Carlo” between Jeff Berkowitz and Colette Cozean together with Binding Term Sheet dated August 4, 2011 which was not executed	Aug. 4, 2011
D34	Corde (182) Ex. 42	Email from Colette Cozean to her patent counsel entitled “Can you please schedule us for some time first thing Wednesday am”	Aug. 6, 2011
D35	Corde (182) Ex. 43 Agius Ex. D (Cozean 98)	Emails on the subject of tricolosan-free soap from Shanta Modak to Micceri dated March 31, 2011, from Micceri to David Shucht and Jeff Berkowitz on April 4, 2011, from David Shucht to Colette Cozean on August 15, 2011 and from Colette Cozean to Attorney Merani on August 15, 2011 as exhibits	March 31, 2011
D36	Corde (182) Ex. 44	Email from Colette Cozean on the subject of “Carlo deal”	July 19, 2011
D37	Corde (182) Ex. 45 Cozean (21) Ex. E	Letter from Colette Cozean to Carlo Micceri with attachments	Aug. 30, 2011
D38	Corde (182) Ex. 46 Cozean (177) Ex. G Cozean Dep. Ex. 105	Colette Cozean drafted notes from telephone meeting which “Randy”, Regulatory Director, San Mar; Robin, Regulatory, San Mar, and Jamie, Quality Assurance, San Mar documenting Cozean's understanding of the telephone conversation and follow up email from Cozean to “Randy and Robin”	Sept. 2, 2011
D39	Corde (182) Ex. 47	Email from Jessie Cozean to Benchmark together with Benchmark's response and proposal attached	Sept. 12, 2011
D40	Corde (182) Ex. 48	Emails between Jessie Cozean of IBD and Patricia Shepard of C-Care regarding Innovative Biodefense dated January 9, 2012 and January 4, 2012	Jan. 9, 2012

D41	Corde (182) Ex. 49	Emails between Jessie Cozean of IBD, David Shucht and Patricia Shepard of C-Care including purchase order from Innovative Biodefense to C-Care LLC	Dec. 23, 2011
D42	Corde (182) Ex. 50	Email from Jessie Cozean to Colette Cozean, Gary Klein and David Shucht regarding manufacturing, repackaging lotions	
D43	Corde (182) Ex. 51	Emails between Jessie Cozean and David Shucht regarding Pegasus as well as email of October 19, 2011 between Mariotta Corporation and IBD	Oct. 19, 2011
D44	Corde (182) Ex. 52	Email correspondence between Berkowitz and Cozean as well as Micceri and Berkowitz regarding "OTC Stability Protocol Request"	Aug. 26, 2011
D45	Corde (182) Ex. 53	Emails between BDS and Cozean regarding royalty payments	May 2011
D46	Corde (182) Ex. 54	Letter from Innovative Biodefense signed by Gary Klein which IBD attempted to have executed by Carlo Micceri which accompanied a \$48,000 draft. The letter was not executed by Micceri	
D47	Corde (182) Ex. 55	Letters issued by Cozean on behalf of BDS and IBD seeking to renew the Sublicense Patent Agreements between IBD and VSP	
D48	Corde (182) Ex. 56	VSP counsel's letter responding to IBD's renewal letters	
D49	Corde (182) Ex. 57	Reply Declaration of Susan Goldsberry, President and CEO of Benchmark	
D50	Agius Ex. D (Cozean 81)	Series of emails, top-level from YanKeeS789@aol.com (Mark Karsch) to Cozean of License Agreements, Royalties, and Schedule 3.1 Royalties, and valuation documents.	Mar. 31, 2011
D51	Agius Ex. D (Cozean 82)	Series of emails, top-level from YanKeeS789@aol.com (Mark Karsch) to Cozean of BDS financial statements.	Apr. 1, 2011
D52	Agius Ex. D (Cozean 83)	Series of emails, top-level from YanKeeS789@aol.com (Mark Karsch) to Cozean of financial information regarding BDS and VSP licensing deal.	Apr. 2, 2011
D53	Agius Ex. D (Cozean 84)	Email from Jason Gersting to Cozean regarding relationship between VSP and BDS.	Apr. 10, 2011

D54	Agius Ex. D (Cozean 88)	Email from Jason Gersting to Cozean regarding foreign patents.	May 9, 2011
D55	Agius Ex. D (Cozean 91) Cozean (198) Ex. C	Email from Jeffrey Berkowitz to Cozean, subject: "Signed MOU," with attachment.	June 2, 2011
D56	Agius Ex. D (Cozean 92) Klein (197) Ex. B	Email from Gary Klein to David Schuct, subject: "Re: Revised Agreement 6-1-2011 FINAL," with attachment of unsigned "Agreement to Pay Past Due Minimum Royalty Paymnets"	June 1, 2011
D57	Agius Ex. D (Cozean 92) Klein (197) Ex. A	Email from Gary Klein to David Shucht, Jeffrey Berkowitz, and Mark Karsch, subject "RE: Asset Purchase agreement."	June 1, 2011
D58	Agius Ex. D (Cozean 93)	Email from Cozean to Brockington, Berkowitz, Minsky, et al, subject "final agreement."	June 1, 2011
D59	Agius Ex. D (Cozean 101)	Email from Klein to Cozean, subject "For your eyes only – CONFIDENTIAL."	July 8, 2011
D60	Agius Ex. D (Cozean 102)	Email from YanKeeS789@aol.com (Mark Karsch) to Cozean, subject "Carlo deal."	July 19, 2011
D61	Meyers (178) Ex. G	VSP's supplemental responses to IBD's first set of requests for production of documents	Feb. 21, 2014
D62	Meyers (178) Ex. H	VSP's supplemental responses to IBD's first set of special interrogatories	Feb. 21, 2014
D63	Meyers (178) Ex. J	VSP's supplemental responses to IBD's second set of special interrogatories	Feb. 21, 2014
D64	Meyers (178) Ex. K	VSP's supplemental responses to IBD's third set of special interrogatories	May 2, 2014
D65	Klein (176) Ex. A	Offer letter signed by Klein, unsigned by Micceri.	July 27, 2011
D66	Klein (176) Ex. B	Purchase order to San-Mar, along with a cover letter Klein prepared for Micceri,	Aug. 12, 2011
D67	Klein (176) Ex. C	Email exchange dated between Klein and San-Mar employee Kristy Faulhaber	Sept. 1, 2011
D68	Klein (176) Ex. D	Letter sent by Klein to Faulhaber, a San-Mar employee	Sept. 8, 2011

D69	Cozean (177) Ex. E	Email from Berkowitz to Cozean, subject "RE: Prior Commitments," and letters dated August 30 and October 10, 2011, from Cozean to Micceri	Aug. 10, 2011
D70	Cozean (177) Ex. F Cozean (21) Ex. F	Letter from Bruce Minsky ("Minsky") to the owners of San-Mar	Sept. 1, 2011
D71	Cozean (177) Ex. H	Letter from Cozean to San-Mar representatives and Micceri.	Sept. 2, 2011
D72	Cozean (177) Ex. I Cozean (21) Ex. G	SanMar Demand Letter sent to Marvin Berkrot and Carlo Micceri.	Nov. 21, 2011
D73	Cozean (177) Ex. J	Email from Macchia to Cozean, subject "RE: Innovative Biodefense/BioDefense Solutions purchase order."	Nov. 21, 2011
D74	Cozean (177) Ex. K	Email from Cozean to Modak, subject "INGRED LISTS."	May 7, 2012
D75	Cozean (177) Ex. L Cozean (32) Ex. A	Printout from USPTO regarding trademark ownership.	Oct. 11, 2012
D76	Meyers (196) Ex. B Cozean (246) Ex. C	Email from Shucht to Micceri, subject "RE: Dr Modak."	Aug. 30, 2010
D77	Meyers (196) Ex. C	Email from Cozean to Elizabeth Olsen, subject "Payment to Carlo."	Feb. 27, 2012
D78	Meyers (196) Ex. E	Defendants VSP and Micceri to IBD's Request for Production of Documents (Set Two)	Nov. 7, 2014
D79	Klein (197) Ex. C	Check stub for \$486,747.63 made to Mates Fischer.	Jun. 2, 2011
D80	Klein (197) Ex. D	Signed Action by Written Consent of Shareholders of IBD.	June 1, 2011
D81	Klein (197) Ex. E	Action by Written Consent of the Board of Directors of IBD.	June 3, 2011
D82	Klein (197) Ex. F	Minutes of Board of Directors of IBD telephone meeting.	Oct. 17, 2011
D83	Klein (197) Ex. G	Minutes of Board of Directors of IBD telephone meeting.	Nov. 27, 2011
D84	Cozean (198) Ex. A	Email from Cozean to Gary Klein, Jeffrey Berkowitz, David Shucht, and others	May 2011

D85	Cozean (198) Ex. D Berkowitz Dep. Ex. 51	Executed Memo of Understanding	
D86	Cozean (198) Ex. E	Fully executed IBD/BDS Asset Purchase Workout Agreement,	Nov. 10, 2011
D87	Cozean (198) Ex. G	Email forwarded from David Shucht to Cozean, subject "FW: Zytrel."	Apr. 25, 2012
D88	Cozean (198) Ex. H	Email from Berkowitz to Cozean, subject "RE: Prior commitments."	Aug. 10, 2011
D89	Cozean (198) Ex. I	Email from Shucht to Cozean, subject "FW: lotion."	Apr. 25, 2012
D90	Cozean (198) Ex. J	Email from Shucht to Cozean, subject "sanmar."	Apr. 25, 2012
D91	Cozean (198) Ex. F	Stipulation of Settlement between defendant San Mar and plaintiff IBD	May 23, 2014
D92	Corde (202) Ex. 58	Letter of attorney Bruce Minsky	Sept. 1, 2011
D93	Corde (202) Ex. 59	Memo of Understanding	May 30, 2011
D94	Corde (202) Ex. 60	Corde emails to counsel for BDS and IBD	Jan. 24, 2012
D95	Micceri (243) Ex. D	Email from Modak to Berkowitz answering questions regarding patents, subject "Answers to BDS questions."	May 10, 2012
D96	Cozean (246) Ex. A	Email from Faulhaber to Berkowitz, subject "summary of VSP cases – patent list," with attachment	Sept. 6, 2011
D97	Corde (182) Ex. 1	Plaintiff's Complaint	May 9, 2012
D98	Corde (182) Ex. 2 Micceri Dep. Ex. 33	Amended Answer with Counterclaims of defendants VSP and MICCERI	Dec. 20, 2012
D99	Corde (182) Ex. 3	Plaintiffs Reply to the Counterclaims	Jan. 18, 2013
D100	Corde (182) Ex. 4	Third Party Complaint of VSP and Micceri	Dec. 20, 2012
D101	Corde (182) Ex. 5	Answer and Counterclaims of Third Party Defendant and Counterclaim Plaintiff BDS	Mar. 11, 2013
D102	Corde (182) Ex. 7	Stipulation of Settlement between defendant San Mar and plaintiff IBD	May 23, 2014
D103	Dkt. 21	Declaration of Cozean in Support of Motion for Preliminary Injunction	Oct. 23, 2012

D104	Cozean (21) Ex. H	Notice sent by Cozean to VSP that IBD was exercising its right to renew the Sublicense Patent Agreements.	Apr. 23, 2012
D105	Cozean (21) Ex. I	Letter sent by Corde to Cozean.	July 16, 2012
D106	Dkt. 31	Declaration of Jeffrey Berkowitz	Nov. 14, 2012
D107	Dkt. 32	Declaration of Colette Cozean.	Nov. 14, 2012
D108	Dkt. 23	Affidavit of Carlo Micceri	Nov. 6, 2012
D109	Cozean (32) Ex. C	Print out of patent from USPTO database.	Nov. 10, 2012
D110	Cozean (32) Ex. D	Print out from foreign patent databases.	
D111	Micceri (23) Ex. A	Printout from "Zylast Direct."	Nov. 2, 2012
D112	Micceri (23) Ex. B	Printout from "Zylast Direct" regarding hand lotion.	Nov. 2, 2012
D113	Micceri (23) Ex. C	Printout from "Zylast Direct regarding sanitizing lotion.	Nov. 2, 2012
D114	Micceri (23) Ex. D	Internet advertisement by plaintiff for "Zylast XP."	Jan. 1, 2012
D115	Micceri (23) Ex. E Berkowitz Dep. Ex. 70	Pages off the internet from "the buyers code Inc." where plaintiffs market Zylast/Zytrel XP	Nov. 2, 2012
D116	Micceri (23) Ex. F	Confirmation from Columbia University regarding existence of patents.	June 19, 2012
D117	Micceri (23) Ex. G	Email from Scott Friedman to Micceri, Subject "Fwd: "	May 26, 2012
D118	Micceri (23) Ex. H	Email from Friedman to Micceri, subject "Fwd: Barry Lewis is concerned."	May 26, 2012
D119	Micceri (23) Ex. I	Letter to plaintiffs putting them on notice of default.	Sept. 6, 2011
D120	Micceri (23) Ex. J	Email from Scott Friedman to Micceri, subject "Fw: Response to your questions for Barry"	May 25, 2012
D121	Micceri (23) Ex. K	Complaint, filed in the U.S. District Court, Central District of California, in class action brought against Cozean.	Oct. 27, 1998
D122	Micceri (23) Ex. L	Printout of article "A Dental Tech Startup May Need Some Novocain," dated June 7, 1998.	Nov. 2, 2012

D123	Micceri (23) Ex. M	Article regarding securities class action brought against Premier Laser Systems, Inc.	Nov. 2, 2012
D124	Micceri (23) Ex. N	Article indicating Premier was going to pay \$14 million to settle class action	Nov. 2, 2012
D125	Micceri (23) Ex. O	Article from Free Library regarding Brite Smile bringing litigation against Premier for patent infringement.	Nov. 2, 2012
D126	Micceri (23) Ex. P	Article from Express Press regarding claims brought against Premier Laser Systems.	Nov. 2, 2012
D127	Micceri (23) Ex. Q	Series of articles from December of 2001 regarding a company call Surgilight, who had Cozean as the chairperson, where it announced it settled a patent case.	Nov. 2, 2012
D128	Micceri (23) Ex. R	Article, dated Jan. 31, 2004 claiming Cozean tried to steal credit for developing a technique.	Nov. 2, 2012
D129	Micceri (23) Ex. S	Article regarding Cozean's Surgilight company being sued by Merrill Lynch for \$500,000	Nov. 2, 2012
D130	Micceri (23) Ex. T	Article about Cozean's company called Diodem LLC, being sued by Biolaze for patent infringement.	Nov. 2, 2012
D131	Micceri (23) Ex. U	June 1, 2004 warning letter from the FDA addressed to Cozean, as Chief Executive Officer of Surgilight, Inc.	June 1, 2004
D132	Micceri (23) Ex. V	Email from Micceri to Corde, subject "Fwd: Revised Agreement 6-1-2011 FINAL."	Nov. 6, 2012
D133	Dkt. 51	Declaration of Cozean.	Feb. 19, 2013
D134	Dkt. 176	Declaration of Klein.	Mar. 26, 2015
D135	Dkt. 177	Declaration of Cozean.	Mar. 26, 2015
D136	Dkt. 183	Declaration of Micceri	Apr. 30, 2015
D137	Dkt. 197	Declaration of Klein.	May 21, 2015
D138	Dkt. 198	Declaration of Cozean	May 21, 2015
D139	Dkt. 203	Declaration of Micceri	June 4, 2015
D140	Dkt. 227	Declaration of Cozean	Dec. 20, 2016
D141	Dkt. 228	Declaration of Klein.	Dec. 20, 2016

D142	Dkt. 243	Declaration of Micceri.	May 16, 2017
D143	Dkt. 246	Declaration of Cozean.	May 23, 2017
D144	Micceri Dep. Ex. 6	FDA rulemaking with list of active ingredients.	
D145	Modak Dep. Ex. 123 Micceri Dep. Ex. 4	CTFA Adopted name listing formula for the lotion	
D146	Modak Dep. Ex. 124	CTFA Adopted name listing formula	
D147	Modak Dep. Ex. 125	CTFA Adopted name listing formula for foaming cleanser	
D148	Modak Dep. Ex. 126	The '840 Patent	
D149	Modak Dep. Ex. 127	The '365 Patent	
D150	Modak Dep. Ex. 128	The '425 Patent	
D151	Modak Dep. Ex. 129	The '918 Patent	
D152	Modak Dep. Ex. 130	The '429 Patent	
D153	Modak Dep. Ex. 131	The '461 Patent	
D154	Modak Dep. Ex. 132	The '649 Patent	
D155	Modak Dep. Ex. 133	The '023 Patent	
D156	Modak Dep. Ex. 134	The '610 Patent	
D157	Modak Dep. Ex. 135	The '386 Patent	

D158		Curtin email to Modak re: Pro-quat Zytrel Blend MODAK_0000770	11/6/09
D159		Faulhaber email to Modak MODAK_0000938	1/27/10
D160		Faulhaber email to Modak re: Anti-Fungal Cream w/ Zytrel formula MODAK_0001148	1/20/10
D161		Guslk email to S. Micceri re: Revised Payment Schedule MODAK_0001160-61	2/3/10
D162		Modak email to McLellan re: Zytrel Information MODAK_0002125-26	4/30/09
D163		"Independent labs confirm: Zytrel XP provides Extended Protection" MODAK_0002845-50	
D164		Belmonte email to Schucht re: Zytrel XP technology – next steps MODAK_0004035-37	4/19/10
D165		Answers for the questions Colette Cozean raised in addition to her recent Email with additional questions MODAK_0004139-40	
D166		Products from old VSP license MODAK_0004141-49	
D167		VSP new license Products developed MODAK_0004151-52	
D168		Answers for the questions Colette Cozean raised in addition to her email recently with additional questions MODAK_0004163-64	
D169		Products from old VSP license MODAK_0004243-51	
D170		Modak email to Shucht re: test method MODAK_0004252-53	3/15/11
D171		Modak email to Shucht re: Zytrel XP: technical assessment MODAK_0004257-59	3/16/11

D172		Modak email to Kedzia re: Zytrel XP: technical assessment MODAK_0004260-67	
D173		Modak email to Shucht re: Triclosan-free soap – MODAK_0004268-69	3/16/11
D174		Modak email to Shucht re: Zytrel MODAK_0004281-84	5/11/11
D175		Modak email to Shucht re: competitors MODAK_0004285	3/21/11
D176		Modak email to Shucht re: competitors MODAK_0004294-95	3/21/11
D177		Modak email to Shucht re: Surgical scrub MODAK_0004307	3/22/11
D178		Modak email to Shucht re: Zytrel MODAK_0004308-09	3/29/11
D179		Modak email to Shucht re: Dial MODAK_00004310	3/30/11
D180		Modak email to Shucht re: Zytrel Alcohol foaming hand sanitizer ATA-019-10 MODAK_0004315-16	4/6/11
D181		Modak email to Shucht re: Zytrel MODAK_0004325-27	5/11/11
D182		Modak email to Shucht re: Zytrel MODAK_0004335-38	5/11/11
D183		Faulhaber email to Belmonte re: Zytrel XP Technology MODAK_0004366-67	5/24/10
D184		Modak email to Shucht re: Dial MODAK_0004403	6/6/11
D185		Modak email to Shucht re: dial MODAK_0004332	6/7/11
D186		Hardy email to Allan re: Thymosin B-4 gel for wounds MODAK_0004434-35	5/27/10
D187		Modak email to Shucht re: Zytrel MODAK_0004440	7/5/11
D188		Modak email to Shucht re: Zytrel MODAK_0004441-42	7/6/11

D189		Modak email to Shucht re: Zytrel soap MODAK_0004446	7/28/11
D190		Modak email to santoshdongre@gmail.com re: D4 Lotion BZKC MODAK_0004448-50	7/28/11
D191		Modak email to santoshdongre@gmail.com re: 27 C2 BZT Soap – LPS 14 D Soap – Anti Bac Lotion D4 MODAK_0004451-52	7/28/11
D192		Brandao email to Modak MODAK_0004453	6/8/10
D193		Micceri email to Modak MODAK_0004454	6/10/10
D194		Modak email to Hansen re: Zytrel Sugrical Scrub 3 & Surgical Hand Disinfectant Scrub 5 _ Part # & Ingredient name different MODAK_0004473-74	12/9/11
D195		Modak email to Hansen Zytrel Sugrical Scrub 3 & Surgical Hand Disinfectant Scrub 5 _ Part # & Ingredient name different MODAK_0004488-90	12/14/11
D196		Modak email to Hansen re: Zytrel Sugrical Scrub 3 & Surgical Hand Disinfectant Scrub 5 _ Part # & Ingredient name different MODAK_0004497-99	12/14/11
D197	Micceri Dep. Ex. 7	San-Mar Laboratories – MASTER FORMULA FILE MODAK_0004509-23	8/16/11
D198		Modak email to Hansen re: Zytrel Sugrical Scrub 3 & Surgical Hand Disinfectant Scrub 5 _ Part # & Ingredient name different MODAK_0004529-31	12/15/11
D199		Modak email to Hansen re: Silver sulphadiazide MODAK_0004537-38	12/19/11
D200		San-Mar Laboratories – MASTER FORMULA FILE MODAK_0004542-44	7/21/11

D201		San-Mar Laboratories – MASTER FORMULA FILE MODAK_0004613-14	5/2/11
D202		Products from old VSP license MODAK_0004615-23	
D203		Patents related to VSP license – MODAK_0004660	
D204		Letter from Columbia w/ Modak Portfolio attachment MODAK_0004687-94	6/19/12
D205		Hand sanitizer ATA-014-00 and surgical hand disinfectant <u>ATA-016-00</u> (formulations modified) MODAK_0004703-09	1/13/11
D206		Formula Costout – Tric-Free Antibacterial SP 27CA BZT MODAK_0004855	1/13/11
D207		Formula Costout – Triclosan-Free Soap 27- B BZT MODAK_0004856-57	1/10/11
D208		Benzyl alcohol, Botanicals, Antibacterils Containing Products licensed MODAK_0004858	
D209		San-Mar Laboratories – MASTER FORMULA FILE MODAK_0004878	4/13/11
D210		Products from New VSP license (Patents pending) MODAK_0004895-910	
D211		Memo to Carlo re: patent review MODAK_0005014	
D212		Memo re: patent review MODAK_0005080	
D213		San-Mar Laboratories – MASTER FORMULA FILE MODAK_0005081-85	6/20/11
D214		Memo re: patent review MODAK_0005098	

D215		Modak email to Faulhaber re: Formulations MODAK_0006179-81	1/6/11
D216		Modak email to Micceri re: Completed VSP products for licensing MODAK_0006357	1/20/11
D217		Modak email to Micceri re: VSP related Patents MODAK_0006444	3/18/11
D218		Modak email to Faulhaber re: competitors MODAK_0006447-49	3/21/11
D219		Email to George Ehrhardt from S. Micceri re: Questions + Revenue Report MODAK_0006606-07	4/16/12
D220		Modak letter to Dr. Labombard re: concerns about Benzathonium chloride MODAK_0006643-44	
D221		Modak email to Micceri re: Hand sanitizer and scrub MODAK_0006658	4/5/11
D222		Modak email to Micceri re: Dial MODAK_0006748-49	6/10/11
D223		Modak email to Faulhaber re: Lysol/Dial soaps MODAK_0006753	7/5/11
D224		Modak email to Faulhaber re: VSP Lab Request Updated Chart MODAK_0006764-65	7/9/11
D225		Modak email to Faulhaber re: Soaps and lotion MODAK_0006766	7/14/11
D226		Modak email to Faulhaber re: Aqueous Hand Disinfectant MODAK_0006769	7/16/11
D227		Modak email to Faulhaber re: Lysol Soap LPS 14 B5 O MODAK_0006776-81	6/14/11
D228		Modak email to Faulhaber re: D4 Lotion BZKC MODAK_0006797-800	8/2/11

D229		Modak email to Micceri re: Patents MODAK_0006812	8/11/11
D230		Modak email to Faulhaber re: VSP finalized Products MODAK_0006844	9/2/11
D231		Modak email to Faulhaber re: LPS F-Z MODAK_0006920-23	9/21/11
D232		Modak email to sag23@columbia.edu re: VSP license MODAK_0006929	8/4/11
D233		Modak email to Micceri re: EP coverage MODAK_0006930	9/22/11
D234		Modak email to Faulhaber re: Biodefense MODAK_0006938-39	9/29/11
D235		Modak email to Faulhaber re: VSP products MODAK_0006960-61	10/13/11
D236		Modak email to Micceri re: Zytrel tests MODAK_0006988-89	9/9/11
D237		Modak email to Faulhaber re: Finalized products MODAK_0006991	11/6/11
D238		Modak email to Story re: Confidentiality Chris again. MODAK_0007017	11/14/11
D239		Modak email to Faulhaber re: Finalized products MODAK_0007198	11/6/11
D240		Modak email to Hansen re: Amples MODAK_0007261	2/28/12
D241		Modak email to Story MODAK_0007263	4/4/12
D242		Modak email to Micceri re: Ingred Lists MODAK_0007278-80	5/7/12
D243		Modak email to Micceri re: I also requested that Carlo send the following questions to you MODAK_0007281-82	5/7/12

D244		Modak email to Modak re: Conv w carlo today MODAK_0007297	5/10/12
D245		Modak email to Berkowitz re: BZT Levels MODAK0007299	5/10/12
D246		Modak email to Modak re: Triseptin & IBD products MODAK_0007301-03	5/14/12
D247		Modak email to Cozean MODAK_0007439	6/23/12
D248		Modak email to Micceri MODAK_0007508	10/6/12
D249		Modak email to Micceri re: Ingred Lists MODAK_0007518-20	10/27/17
D250		Modak email to Micceri MODAK_0007524	10/27/12
D251		Modak email to Micceri re: Triseptin & IBD products MODAK_0007530-32	11/5/12
D252		Modak email to Ehrhardt re: VSP license fee MODAK_0007587	12/7/12
D253		Modak email to sag@columbia.edu re: VSP License Fee MODAK_0007591-92	12/12/12
D254		Modak email to Micceri re: VSP draft patent prosecution letter MODAK_0007807	12/20/12
D255		Modak email to Micceri re: CDLS draft MODAK_0007808	12/20/12
D256		Modak email to Micceri re: ComplexSyn-Z new formulations MODAK_0007826	10/3/12
D257		Modak email re: fwd: vsp MODAK_0007828-29	10/8/12
D258		Modak email to Micceri re: Claims related to your license MODAK_0007836	11/12/12

D259		Modak email to ge2150@columbia.edu re: CDLS patent expense MODAK_0007853	11/26/12
D260	Micceri Dep. Ex. 5	Zytrel XP label.	2009
D261		Zytrel XP label	
D262	Micceri Dep. Ex. 9	Ingredients List for Anti-Bacterial Lotion w/ Zytrel	10/15/09
D263	Micceri Dep. Ex. 10	CTFA Adopted Name Listing for Anti-Bacterial Hand Lot	
D264	Micceri Dep. Ex. 11	Master Formula File for Anti-Bacterial Hand Lot w/ Zytrel	8/16/2011
D265	Micceri Dep. Ex. 12	Master Formula File for Anti-Bacterial Hand Lot w/ Zytrel	8/16/2011
D266	Micceri Dep. Ex. 13	Ingredient List for Dial Soap	01/06/2011
D267	Micceri Dep. Ex. 14	Stability test results	3/18/09
D268	Micceri Dep. Ex. 15	Master Formula File for Anti-Bacterial Hand Lot w/ Zytrel	8/16/2011
D269	Micceri Dep. Ex. 16	Test results for anti-bacterial hand lotion w/ Zytrel	11/23/2009
D270	Micceri Dep. Ex. 17	Test results for anti-bacterial hand lotion w/ Zytrel	12/20/2009
D271	Micceri Dep. Ex. 18	Test results for anti-bacterial hand lotion w/ Zytrel	1/7/2010
D272	Micceri Dep. Ex. 19	Test results for anti-bacterial hand lotion w/ Zytrel	9/2/2010
D273	Micceri Dep. Ex. 20	Test results for Foaming Cleanser with Alcohol	1/7/2010
D274	Micceri Dep. Ex. 21	Test results for Foaming Cleanser with Alcohol	1/7/2010
D275	Micceri Dep. Ex. 22	Test results for Foaming Cleanser with Alcohol	1/6/2010
D276	Micceri Dep. Ex. 23	Test results for Foaming Cleanser with Alcohol	12/2/2009
D277	Micceri Dep. Ex. 24	Trademark/Service Mark Application for Zytrel.	11/25/04

D278	Micceri Dep. Ex. 25	Trademark/Service Mark Application for Zytrel.	1/12/2007
D279	Micceri Dep. Ex. 26	Trademark/Service Mark Application for Zytrel.	8/28/2003
D280	Micceri Dep. Ex. 27	Combined Declaration of Use and Incontestability for Zytrel	4/10/2007
D281	Micceri Dep. Ex. 28	Notice of Trademark Opposition.	4/17/2011
D282	Micceri Dep. Ex. 29	Notice from USPTO TTAB.	4/18/2011
D283	Micceri Dep. Ex. 30	Notice of default 06/13/2011	6/13/2011
D284	Micceri Dep. Ex. 31	Patent for 7,759,327	6/20/2010
D285	Micceri Dep. Ex. 33	Unsigned letter between Gary Klein and Carlo Micceri	7/27/2011
D286	Cozean Dep. Ex. 88	Email from Jason Gersting to Cozean, subject: BDS Patent Question.	5/9/2011
D287	Cozean Dep. Ex. 89	Email from Berkowitz to Cozean, Shucht, and others, subject: "Royalty payments."	5/19/2011
D288	Cozean Dep. Ex. 90	Email from Berkowitz to Cozean and others, subject: "RE: term sheet for Carlo"	5/27/2011
D289	Cozean Dep. Ex. 91	Email from Berkowitz to Cozean, subject "Signed MOU"	6/2/2011
D290	Cozean Dep. Ex. 81	Email from YanKeeS789@aol.com (Mark Karsch) to Cozean, with no subject.	3/31/2011
D291	Cozean Dep. Ex. 82	Email from YanKeeS789@aol.com (Mark Karsch) to Cozean, with no subject.	4/1/2011
D292	Cozean Dep. Ex. 83	Email from Cozean to Klein and Merani, subject "I am leaving you to discuss BDS license on my behalf"	4/2/2011
D293	Cozean Dep. Ex. 84	Email from Gersting to Cozean, subject "BDS and Sublicensing."	4/10/2011
D294	Cozean Dep. Ex. 85	Action Plan/Term Sheet for BioDefense	
D295	Cozean Dep. Ex. 86	Email from Shucht to Cozean, Berkowitz, and Karsch, subject "Costs."	4/29/2011
D296	Cozean Dep. Ex. 102	Email from Cozean to Karsch, subject "Carlo deal."	7/19/2011

D297	Cozean Dep. Ex. 103	Email from Shucht to Cozean, subject "Re: dispenser."	7/19/2011
D298	Cozean Dep. Ex. 104	Letter from Cozean to Micceri regarding testing.	8/30/2011
D299	Cozean Dep. Ex. 106	Email from Jesse Cozean to Karis Staley, subject "Need for testing/manufacture of our old products"	9/12/2011
D300	Cozean Dep. Ex. 92	Email from Klein to Shucht, subject: "Revised Agreement 6-1-2011 FINAL"	6/1/2011
D301	Cozean Dep. Ex. 93	Email from Cozean to Brockington, Minsky, and others, subject: "final agreement."	
D302	Cozean Dep. Ex. 94	Email from Cozean to Rice, subject "Zytrel Venture ?"	6/1/2011
D303	Cozean Dep. Ex. 95	Email from Merani to Cozean, subject "maybe late afternoon o/w call"	8/4/2011
D304	Cozean Dep. Ex. 96	Email from Cozean to Berkowitz, subject "terms for carlo."	8/4/2011
D305	Cozean Dep. Ex. 97	Email from Cozean to Merani, subject "can u pls schedule us for some time first thing wed am"	8/6/2011
D306	Cozean Dep. Ex. 98	Email from Cozean to Merani, subject "Tricolsan-Free soap."	8/15/2011
D307	Cozean Dep. Ex. 99	Email from Cozean to Brockington, subject "Fwd: Barry Lewis Correspondance: Atty-client Privileged. Confidential."	8/27/2011
D308	Cozean Dep. Ex. 100	Email from Cozean to Merani, subject "IBD Agreement"	6/4/2011
D309	Cozean Dep. Ex. 101	Email from Cozean to Klein, subject "For your eyes only – CONFIDENTIAL"	7/8/2011
D310	Cozean Dep. Ex. 115	Email from Cozean to Brockington, subject "PROPOSED RESOLUTION of BDS Asset Purchase"	10/4/2011
D311	Cozean Dep. Ex. 116	Email from Cozean to Shepard, subject: "Re: Innovative BioDefense."	1/9/2012

D312	Cozean Dep. Ex. 117	Email from Jesse Cozean to Shucht, subject: "PO # 9 new.pdf"	1/17/2012
D313	Cozean Dep. Ex. 118	Email from Jesse Cozean to Colette Cozean, Klein, and Shucht, subject: "Manufacturing/Repackaging Update"	12/2/2011
D314	Cozean Dep. Ex. 119	Email from Jesse Cozean to Shucht, subject "Manufacturing – Pegasus"	10/25/2011
D315	Cozean Dep. Ex. 120	Email from Berkowitz to Cozean, subject "Fwd: OTC Stability Protocol Request"	8/26/2011
D316	Cozean Dep. Ex. 121	Company payment chart	
D317	Cozean Dep. Ex. 107	Email from Cozean to Gersting, subject "Client Presentation"	9/15/2011
D318	Cozean Dep. Ex. 108	Email from Jesse Cozean to Karis Staley, subject "Stability/Manufacturing Questions"	9/20/2011
D319	Cozean Dep. Ex. 109	Zytrel Foaming Hand Cleanser (Non- Persistent), Tentative Ingredient List.	11/2/2011
D320	Cozean Dep. Ex. 110	Innovative Biodefense Patent Assessment	
D321	Cozean Dep. Ex. 111	Email from Cozean to Staley, subject "Lotion/Sanitizer"	4/17/2012
D322	Cozean Dep. Ex. 112	Email from Cozean to Bugbee, subject "revised agreement"	4/28/2012
D323	Cozean Dep. Ex. 113	Email from Sears to Cozean, subject "RE: response"	8/1/2013
D324	Cozean Dep. Ex. 114	Zylast XP Technical Summary	
D325	Montenegro Dep. Ex. 79	Record of money received by Innovative Biodefense.	5/17/2012

D326	Montenegro Dep. Ex. 80	Email from Cozean to Bruce Bugbee, subject "Zylast Direct Website."	9/3/2012
D327	Berkowitz Dep. Ex. 36	Board Meeting Minutes	8/30/2010
D328	Berkowitz Dep. Ex. 37	San-Mar Laboratories Price Quotation.	2/19/2009
D329	Berkowitz Dep. Ex. 38	Process Validation for Packaging for Anti-Bacterial Hand Lotion with Zytrel.	11/19/2009
D330	Berkowitz Dep. Ex. 39	Method Validation for the Determination of Benzethonium Chloride Via HPLC	
D331	Berkowitz Dep. Ex. 40	Email from Paul Caskery to Shucht and Berkowitz, subject "Update"	9/30/2009
D332	Berkowitz Dep. Ex. 41	Email from Caskey to Shucht, Berkowitz, and rmags21@gmail.com, subject "Agenda"	9/16/2009
D333	Berkowitz Dep. Ex. 42	VSP's responses to the first requests for production of documents from BDS Solutions—quality manual	
D334	Berkowitz Dep. Ex. 43	Email from Caskey to Shucht and Berkowitz, subject "Status Updates."	9/18/2009
D335	Berkowitz Dep. Ex. 44	Email from Faulhaber to Berkowitz, subject "Procedures"	5/19/2010
D336	Berkowitz Dep. Ex. 45	Email from Shucht to Faulhaber, subject "Hand Sanitizer-Lysol"	7/22/2010
D337	Berkowitz Dep. Ex. 47	Email from Klein to Berkowitz and Shucht, subject "FW: due diligence"	4/4/2011
D338	Berkowitz Dep. Ex. 49	Email from Klein to Shucht and Berkowitz, subject: "BDS Sales"	5/25/2011
D339	Berkowitz Dep. Ex. 50	Email from Klein to Berkowitz, Shucht and Karsch, subject: "Asset Purchase agreement"	6/1/2011

D340	Berkowitz Dep. Ex. 52	Email from Berkowitz to Micceri, no subject, regarding the binding term sheet.	5/30/2011
D341	Berkowitz Dep. Ex. 53	Email from Cozean to Heydenrych, subject "Assumptions"	5/21/2011
D342	Berkowitz Dep. Ex. 54	Email from Friedman to Micceri, subject "Fwd:" regarding funding and payment to Barry Lewis	5/26/2012
D343	Berkowitz Dep. Ex. 55	Agreement to Pay Past Due Royalty Payments, unsigned, between BDS and VSP.	June 2011
D344	Berkowitz Dep. Ex. 56	Amended and Restated Sublicense Patent Agreement between VSP and Innovative Biodefense.	6/10/2011
D345	Berkowitz Dep. Ex. 57	Email from Micceri to Shucht, subject: "Re: Dial"	6/3/2011
D346	Berkowitz Dep. Ex. 58	Email from Cozean to Berkowitz, subject: "carlo contract"	6/11/2011
D347	Berkowitz Dep. Ex. 59	Email from Modak to Shucht, subject: "Re: dial"	6/7/2011
D348	Berkowitz Dep. Ex. 60	Email from Faulhaber to Berkowitz, subject: "summary of VSP cases – patent list"	9/6/2011
D349	Berkowitz Dep. Ex. 61	Email from Berkowitz to Karsch, subject: "Fw: from Jeffrey"	6/16/2011
D350	Berkowitz Dep. Ex. 62	Innovative BioDefense, Inc. Business Plan	7/1/2011
D351	Berkowitz Dep. Ex. 63	Letter from Berkowitz to Cozean, regarding the Asset Purchase Agreement.	9/2/2011
D352	Berkowitz Dep. Ex. 64	Email from Micceri to Shucht, subject "Fw: IBD Inventory"	9/15/2011
D353	Berkowitz Dep. Ex. 65	Email from Karsch to Misseri, subject: "Fwd: next 4 weeks"	10/14/2011

D354	Berkowitz Dep. Ex. 66	Email from Faulhaber to Minsky and Berkowitz, subject "ZYTREL Settlement"	9/8/2011
D355	Berkowitz Dep. Ex. 67	Email from Jesse Cozean to Patricia Shepard, subject: "Stability Testing, Sample Batch, and Payment"	3/22/2012
D356	Berkowitz Dep. Ex. 68	Email from Cozean to Berkowitz, subject: "Re: request for information"	8/20/2012
D357	Berkowitz Dep. Ex. 71	Printout from Zytrel.com, of "The Science" of ZylastXP.	1/1/2012
D358	Berkowitz Dep. Ex. 72	Declaration of Jeffrey Berkowitz, docket number 25.	11/13/2012
D359	Berkowitz Dep. Ex. 74	Sales Receipt from Zylast first to Simi Carleback	11/19/2012
D360	Berkowitz Dep. Ex. 76	Email from Berkowitz to Karsch, subject "Fw:" regarding patent coverage in different countries.	10/3/2011
D361	Berkowitz Dep. Ex. 78	Email from Micceri to Berkowitz, subject "Fw: Columbia communications with Salima Merani"	9/2/2011
D362		Robert Valenti v. Colette Cozean, Michael Hiebert, and Premier Laser Systems, Inc.; Docket No.: 98-388-SHA (Central District of California, Southern Division).	5/1/1998
D363		GoJo Industries, Inc. v. Innovative BioDefense, Inc. and Aquaria Global Energy Partners, LLC; Docket No. 15-cv-2946 (Southern District of New York), Complaint	4/15/2015
D364		GoJo Industries, Inc. v. Innovative BioDefense, Inc. and Aquaria Global Energy Partners, LLC; Docket No. 15-cv-2946 (Southern District of New York), Stipulation and Order of Preliminary Injunction	4/30/2015

D365		FDA Warning Letter to Colette Cozean, President and CEO of Innovative BioDefense	6/30/15
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